

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

AUG 25 2006

BY: JOHN F. CORCORAN, CLERK
DEPUTY CLERK

In accordance with the memorandum opinion entered this day, it is now

ORDERED

as follows:

1. Defendants' motion to dismiss shall be and hereby is **GRANTED**;
2. Plaintiff's motions to pursue shall be and hereby are **GRANTED**;
3. Plaintiff's motion to amend shall be and hereby is **GRANTED**;
4. The new claims raised in plaintiff's motion to amend shall be and hereby are **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A;
5. All other pending motions shall be and hereby are **DENIED** as moot; and
6. This action shall be **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff and counsel of record for defendants.

ENTER: This 25th day of August, 2006.

United States District Judge